

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK H. BANKS;)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-781
)	
COUNTY OF ALLEGHENY; ALLE-)	Judge Gary L. Lancaster/
GHENY CORRECTIONAL HEALTH)	Magistrate Judge Amy Reynolds Hay
SERVICES, INC.; RAMON RUSTIN;)	
CALVIN LIGHTFOOT; FRED ROSE-)	
MEYER; BRUCE DIXON; DAN)	
ONORATO ; and DANA PHILLIPS,)	
)	
Defendants)	Re: Dkt. Nos. [130] & [131]

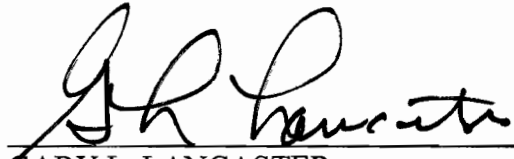
MEMORANDUM ORDER

Presently before the Court is Plaintiff's "Renewed Motion for Consideration [sic] and First Motion Pursuant to F.R.E. 201(d) to Take Judicial Notice," Dkt. [130], and Plaintiff's "Second First Motion Pursuant to F.R.E. 201(d) to Take Judicial Notice," Dkt. [131].

Previously, this Court ordered the dismissal of this action, Dkt. [124], and denied Plaintiff's first motion (Dkt. [125]) for reconsideration, Dkt. [128]. The case is currently on appeal to the United States Court of Appeals for the Third Circuit. See Notice of Appeal, filed at Dkt. [125] with Motion for Reconsideration. Because Plaintiff has already filed a notice of appeal from the order dismissing the entire case, this Court now is divested of subject matter jurisdiction to act further in this case. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam) ("The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case

involved in the appeal”); Gleeson v. Prevoznik, 253 Fed.Appx. 176, 179 (3d Cir. 2007)(“Timely filing of a notice of appeal conferred jurisdiction on this Court and divested the District Court of control of the case.”). Accordingly, Plaintiff’s “Renewed Motion for Consideration [sic] and First Motion Pursuant to F.R.E. 201(d) to Take Judicial Notice,” Dkt. [130], and Plaintiff’s “Second First Motion Pursuant to F.R.E. 201(d) to Take Judicial Notice,” Dkt. [131], are dismissed for lack of jurisdiction.

SO ORDERED this 12 day of September, 2008.


GARY L. LANCASTER
United States District Judge

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All counsel of record by Notice of Electronic Filing